



## **Workforce Innovation and Opportunities Act (WIOA) WIA and Rehabilitation Act Reauthorization**

The Workforce Innovation and Opportunities Act (WIOA), which reauthorizes the Workforce Investment of 1998 (WIA) through 2020, is now signed into law, after approval by the U.S. Senate in late June, and the House of Representatives on July 9<sup>th</sup>. WIOA (H.R. 803) reauthorizes and updates the Rehabilitation Act of 1973 (the law providing oversight of the public vocational rehabilitation system), while also updating the structure of the country's workforce development system, used by the general public and businesses to assist with their employment and training needs. Highlights of WIOA of particular interest to SELN Community include the following.

**Requirement for Formal Cooperative Agreement Between VR and State IDD Agency:** WIOA requires that state public vocational rehabilitation agencies now have formal cooperative agreements with state intellectual and developmental disability agencies, and the state agency responsible for administering the State Medicaid Plan, with respect to the delivery of vocational rehabilitation services, including extended services.

**Increased VR Role in Transition:** One of the biggest changes under WIOA, is that 15% of Public Vocational Rehabilitation Funds must now be used for transition services, and specifically pre-employment transition services as defined within the act. These services include job exploration counseling, work-based learning experiences, counseling on post-secondary opportunities, workplace readiness training, and training on self-advocacy. In addition, each local VR office must undertake pre-employment transition coordination activities, including working with schools and the local workforce development system to engage them in transition activities.

**Limitations on Use of Subminimum Wage:** A new section has been added to the Rehabilitation Act, Section 511, which requires a series of steps before an individual under the age of 24 can be placed in a job paying less than minimum wage (almost all of which are either in sheltered workshops or enclaves operated by community rehabilitation providers). This provision also includes language that prohibits schools from contracting with sub-minimum wage providers.

**Movement of Federal Programs:** Under a proposed version of WIOA, the Rehabilitation Services Administration - RSA (the parent agency of public Vocational Rehabilitation) would have moved to the Office of Disability Employment Policy at the U.S. Department of Labor. While RSA will remain under the Department of Education, a number of other agencies will be moving to the Administration for Community Living (ACL) at the Department of Health and Human Services, where the Administration on Intellectual and Developmental Disabilities is currently based. These include the National Institute on Disability and Rehabilitation Research (NIDRR), operating under a new name (The National Institute on Disability, Independent Living, and Rehabilitation Research), and the Independent Living Program, which will be moving from RSA to ACL.

**Competitive Integrated Employment Defined:** The Rehabilitation Act previously used the term competitive employment extensively, but never defined it. There is now a definition of "competitive integrated employment", meaning full or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, and fully integrated with co-workers without disabilities. This is considered the optimal outcome under WIOA.

**Customized Employment Part of Rehabilitation Act:** There is now a definition of Customized Employment, defined as "competitive integrated employment, for an individual with a significant

disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability”, “designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer,” and “carried out through flexible strategies.” As a result, customized employment is now among the available services from public Vocational Rehabilitation nationally.

**Changes in Definition of Supported Employment:** The definition for supported employment has been somewhat modified, to make it clear the supported employment is integrated competitive employment, or an individual working on a short-term basis in an integrated employment setting towards integrated competitive employment. In addition, customized employment is now included within the definition of supported employment. Finally, the standard post-employment support services under supported employment have been extended from 18 to 24 months.

**Focus of Supported Employment State Grants on Youth:** Title VI-B funds are available to states to supplement supported employment services funded under Title I (general VR funds). (In 2014, the total supported employment state grant allocation was \$27 million while Title I funds for general VR were \$3 billion). Under WIOA, half of the money that states receive under the supported employment state grants will now have to be used to support youth with the most significant disabilities (up to age 24), and these youth may receive extended services (i.e., ongoing supports to maintain an individual in supported employment) for up to 4 years.

**Increased Emphasis on Role of General Workforce Development System:** There are a number of provisions in WIOA that emphasize and increase the requirements for the general workforce development system to meet the needs of job seekers with disabilities. For example, local workforce development boards will be required to ensure there are sufficient service providers in the local area with expertise in assisting individuals with disabilities with their career and training needs. In addition, the bill explicitly states that state and local workforce development boards, which provide oversight of the workforce development system, may include as members, community organizations that provide or support competitive integrated employment for individuals with disabilities.

**Use of State and Local WIOA Funds for IDD Specified as an Option:** Under WIOA, Governors may reserve up to 15% of general workforce development funds for statewide employment and training activities. Among the list of activities specified as allowable in the use of these funds is improving “coordination of employment and training activities” with programs carried out by state IDD agencies. Local workforce development funds, overseen by local workforce development boards, may be used for similar activities.

**Technical Assistance for Post-Secondary Allowed:** The new law allows the RSA Commissioner to fund technical assistance to “better enable individuals with intellectual disabilities and other individuals with disabilities to participate in postsecondary educational experiences and to obtain and retain competitive integrated employment.”

**FMI** To read complete text of the bill go to [Workforce Innovation and Opportunities Act \(WIOA\)](#).

*Highlights (summary) prepared by David Hoff, Program Director - Institute for Community Inclusion, UMass Boston, SELN Project Staff*

